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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,715	07/03/2003	Robert McCracken	8594560/41960	4999
26386	7590	01/25/2005	EXAMINER	
DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C. THE FINANCIAL CENTER 666 WALNUT STREET SUITE 2500 DES MOINES, IA 50309-3993			KATCHEVES, BASIL S	
		ART UNIT		PAPER NUMBER
		3635		
DATE MAILED: 01/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/613,715	MCCRACKEN ET AL.	
	Examiner Basil Katcheves	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 November 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 9 is/are allowed.

6) Claim(s) 1-8, 10, 11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

Applicant has added new claims 10 and 11 in the amendment dated 11/5/04.

Pending claims 1-11 are examined below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,982,364 to Horvath in view of U.S. Patent No. 3,581,420 to Mollet III et al.

Regarding claims 1, 4, 8 and 11, Horvath discloses a shoring apparatus for supporting a load, the apparatus having a supporting member (fig. 9: 108), a supported member (fig. 9: 111) received about the upper end of the supporting member, and a nut (fig. 9: 109) threaded on a portion of the supporting member. However, Horvath discloses only one coupling washer (fig. 9: 110) between the nut and supported member, not two coupling polymeric washers. Mollet III discloses the use of two polymeric washers (fig. 7: 28 & 29; column 3, line 46) for a support. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

modify Horvath by using two polymeric washers, as disclosed by Mollet III, in order to decrease the weight of the system and to reduce costs.

Regarding claim 2, Mollet III discloses the polymeric washers as being nylon (column 3, line 46).

Regarding claim 3, Mollet III does not specifically disclose the polymeric material as being able to sustain a load of up to 10,000 psi. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to design washers capable of supporting the intended load of the system, thus the load capacity of the washers would range between various load capacities to meet the needs of the system in order to support the system.

Regarding claim 5, Horvath in view of Mollet III does not specifically disclose the supported member, the supporting member and the nut as being comprised of different materials. However, Horvath discloses the use of different material such as metal components (column 1, line 40) and nylon components (column 6, lines 32-33) for cold weather. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horvath in view of Mollet III by using different materials such as aluminum, steel or nylon in combinations for these members in order to reduce weights, increase insulation in cold climates (Horvath column 6, lines 28-33) and prevent corrosion.

Regarding claim 6, Mollet III discloses the polymeric washers as being nylon (column 3, line 46).

Regarding claim 7, Horvath does not specifically disclose the nut as being able to sustain a load of up to 10,000 psi. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to design a nut capable of supporting the intended load of the system, thus the load capacity of the nut would range between various load capacities to meet the needs of the system in order to support the system.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,982,364 to Horvath in view of U.S. Patent No. 3,581,420 to Mollet III et al. further in view of U.S. Patent No. 4,543,851 to Gilbert.

Regarding claim 10, Horvath in view of Mollet III do not disclose the nylon washer as being made of Nylatron. Gilbert discloses washers made from Nylatron (column 2, line 57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horvath in view of Mollet III by making the washers from Nylatron, as disclosed by Gilbert, in order to reduce friction and increase compressive strength (Gilbert, column 2, line 45 & 55-56).

### ***Allowable Subject Matter***

Claim 9 is drawn to allowable subject matter as in the previous office action.

***Response to Arguments***

Applicant's arguments filed 11/5/04 have been fully considered but they are not persuasive. Applicant argues that the Mollet III reference does not meet the limitations of claims 1-3. However, original claims 1-3 were drawn to a reduced friction coupling. Amended claim 1 is now drawn to a shoring apparatus, and addressed in the rejection above. Applicant argues that the Horvath art can not be used leveling under a load. However, Horvath discloses the basic claim structure of the instant application, as claimed, and therefore, may be used in the same manner.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK *BK*

1/18/05



**BRIAN E. GLESSNER**  
**PRIMARY EXAMINER**